

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CR-153
)	No. 3:06-CR-154
)	(Jordan / Guyton)
BILLY FLOYD LEASURE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the district court as may be appropriate. These two cases came before the Court for a hearing on March 28, 2007, on the government's identical Motion for Joinder made in both cases [3:06-CR-153, Doc. 24] and [3:06-CR-154, Doc. 41], filed March 27, 2007. Billy Floyd Leasure is charged in case number 3:06-CR-153 with one co-defendant, Angelo Handley. Mr. Leasure is charged in case number 3:06-CR-154 with two co-defendants, Tasha Benjamin and Hobart Lynn Mitchell.

At the hearing, the government was represented by Assistant United States Attorney Tracee Plowell. Defendant Billy Floyd Leasure was present with counsel Boyd Venable. Mr. Leasure's co-defendant in 3:06-CR-153 is Angelo Handley, who was present at the hearing with his attorney, Donny Young. There are no other defendants pending trial in either of these two cases. In case number 3:06-CR-154, defendant Hobart Lynn Mitchell has entered a plea of guilty before the District Court; and defendant Tasha Benjamin is scheduled for a change of plea hearing on

March 29, 2007.

The government moved the Court to join these two indictments for trial. The government argued that the two cases do not involve the same conspiracy, but do involve the “same series of drug transactions” and the same witnesses. Counsel for Mr. Leasure opposed the motion to join the two cases and reported that Mr. Leasure’s defense is prepared to proceed to trial on March 29, 2007, as originally scheduled on case number 3:06-CR-154. Counsel for Mr. Handley also opposed the motion to join the cases for trial. The trial date in case number 3:06-CR-153 is July 16, 2007.

The Court has considered the entire record in both cases, the facts proffered by the United States in support of the joinder and the positions of the parties. The Court finds joinder of the cases for trial is not appropriate. Accordingly, the Motion for Joinder, as filed in both cases [3:06-CR-153, Doc. 24] and [3:06-CR-154, Doc. 41], is **DENIED**. Case number 3:06-CR-154 shall proceed to trial as scheduled for tomorrow, March 29, 2007, before Honorable Judge Leon Jordan, except that parties are directed to appear for trial at 8:30 a.m., rather than 9:00.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge